

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23986 PERMIT 16575 LICENSE 11137

ORDER TO ADD A POINT OF DIVERSION AND
REDIVERSION, CORRECT AND CHANGE PLACE OF USE

WHEREAS:

1. License 11137 was issued to Michael Marsten and was recorded with the County Recorder of Napa County on July 10, 1981 in Volume 1208, Page 805.
2. License 11137 was subsequently assigned to Prinn Family Trust Vineyards.
3. A petition to change the place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. A correction is required to correct a typographical error in the description of the licensed place of use.
5. The Board has determined that the petitioned changes and correction do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license condition pertaining to the Board's continuing authority should be replaced with the current version to conform with Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under this license shall be increased by 42 acres, i.e., from 25 to 67 acres as follows:

3. Condition 11 of the permit be amended to read:

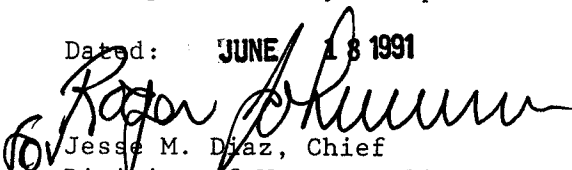
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JUNE 18 1991


Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 23986 Permit 16575 License 11137

ORDER CORRECTING PREVIOUS ORDER DATED JUNE 18, 1991

WHEREAS:

1. License 11137 (Application 23986) was issued to Michael Marsten and was recorded with the County Recorder of Napa County on July 10, 1981, Volume 1208, Page 805.
2. License 11137 was subsequently assigned to Prinn Family Trust Vineyard.
3. A change petition was approved by order dated June 18, 1991 and was recorded with the County Recorder of Napa County on June 28, 1991 in Volume 1831, Page 189.
4. The description of the added point of diversion and rediversion was inadvertently omitted and should be added in the order.
5. The State Water Resources Control Board has determined that said correction will not initiate a new right nor operate to the injury of any other legal user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition describing the points of diversion be corrected to include the following:

Point of diversion and rediversion: North 1,100 feet and West 450 feet from SE corner of projected Section 5, T8N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5; also described as California Coordinate System, Zone 2, North 329,350 and East 1,845,400. (0000002)

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 23986 Permit 16575 License 11137

**ORDER DIRECTING DIVISION OF LICENSE,
ISSUANCE OF SEPARATE LICENSES AND
REVOCATION OF THE ORIGINAL LICENSE**

WHEREAS:

1. License 11137 (Application 23986) was issued to Michael Marsten and was recorded with the County Recorder of Napa County in Volume 1208, Page 805, on July 10, 1981.
2. License 11137 was subsequently assigned to Prinn Family Trust Vineyard.
3. A request for division of license has been filed with the State Water Resources Control Board (SWRCB).
4. The SWRCB has determined that such division of license does not constitute the initiation of a new right nor operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 11137 be replaced by License 11137A issued to Prinn Family Trust Vineyard and License 11137B issued to Sunshine Investors, A California Partnership.
2. Superseded License 11137 is hereby revoked upon issuance of License 11137A and 11137B.

3. Separate licenses be issued as follows:

- A. License: 11137A (Application 23986A)
Owner: Prinn Family Trust Vineyard
c/o Drew Aspegren
Napa Valley Vineyard Engineering
176 Main Street, Suite B
St. Helena, CA 94574
Source: Napa River tributary to San Pablo Bay in Napa County
Use: Irrigation, Frost Protection, Heat Control and Recreation
Amount: 9.5 acre-feet per annum with a maximum withdrawal in any one year shall not exceed 9.5 acre-feet
Season: November 1 to March 1
Point of Diversion to Offstream Storage: North 4,700 feet and West 300 feet from SE corner of projected Section 8, T8N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 8.
Point of Diversion and Rediversion: North 1,100 feet and West 450 feet from SE corner of projected Section 5, T8N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5.
Storage Rate: 0.21 cubic foot per second or shall not exceed 0.56 cubic foot per second in combination with licensed Application 23986B.
Offstream Storage: Recreation use at Unnamed Reservoir within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M.
Place of Use: Irrigation, Frost Protection, and Heat Control of 25 acres as follows:
8 acres within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M;
12 acres within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M; and
5 acres within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M; as shown on a map on file with the SWRCB.
- B. License: 11137B (Application 23986B)
Owner: Sunshine Investors, A
California Partnership
c/o Warren Smith
4411 Silverado Trail
Calistoga, CA 94515

Source: Napa River tributary to San Pablo Bay in Napa County
Use: Irrigation, Frost Protection, Heat Control and Recreation
Amount: 15.0 acre-feet per annum with a maximum withdrawal in any one year shall not exceed 15.0 acre-feet
Season: November 1 to March 1
Point of Diversion to Offstream Storage: North 4,700 feet and West 300 feet from SE corner of projected Section 8, T8N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 8.
Point of Diversion and Rediversion: North 1,100 feet and West 450 feet from SE corner of projected Section 5, T8N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5.
Storage Rate: 0.35 cubic foot per second or shall not exceed 0.56 cubic foot per second in combination with licensed Application 23986A.
Offstream Storage: Recreation use at Unnamed Reservoir within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M.
Place of Use: Irrigation, Frost Protection, and Heat Control of 42 acres as follows:
27 acres within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M;
5 acres within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M; and
10 acres within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M; as shown on a map on file with the SWRCB.

4. Licenses 11137A and 11137B shall contain all other terms and conditions presently in License 11137 or updated versions to reflect present SWRCB policy.

Dated: **MARCH** 6 1995

Edward C. Anton
for Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23986
PAGE 1 OF 3

PERMIT 16575

LICENSE 11137

THIS IS TO CERTIFY, That

MICHAEL MARSTEN
1060 DUNAWALL LANE, CALISTOGA, CALIFORNIA 94515

HAS *made proof as of* JULY 22, 1980 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
NAPA RIVER IN NAPA COUNTY

tributary to SAN PABLO BAY

for the purpose of IRRIGATION, FROST PROTECTION, HEAT CONTROL AND RECREATIONAL USES
under Permit 16575 *of the Board and that the right to the use of this water has been perfected*
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from FEBRUARY 25, 1972 *and that the amount of water to which*
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TWENTY-FOUR AND FIVE-TENTHS (24.5) ACRE-FEET PER ANNUM,
TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MARCH 1 OF THE SUCCEEDING YEAR.
THE MAXIMUM WITHDRAWAL IN ANY ONE YEAR SHALL NOT EXCEED 24.5 ACRE-FEET.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 0.56 CUBIC FEET
PER SECOND.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE
SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE

THE POINT OF DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

NORTH 4,700 FEET AND WEST 300 FEET FROM SE CORNER OF PROJECTED SECTION 8, T8N, R6W,
MDB&M, BEING WITHIN NE1/4 OF NE1/4 OF SAID SECTION 8.

THE PLACE OF STORAGE OF SUCH WATER IS LOCATED:

OFFSTREAM RESERVOIR WITHIN SE1/4 OF SE1/4 OF PROJECTED SECTION 5, T8N, R6W, MDB&M.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for

APPLICATION 23986
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PERMIT 16575

LICENSE 11137

THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTIONS 1601, 1603 AND/OR SECTION 6100 OF THE FISH AND GAME CODE.

THIS LICENSE IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO ISSUE ANY APPROPRIATE ORDER TO INSURE THAT THE APPROPRIATION OF WATER FOR FROST PROTECTION UNDER THE LICENSE DOES NOT RESULT IN WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF WATER. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

10-30-90 Aspl V Brown Family Frost Vineyard



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

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APPLICATION 23986A

PERMIT 16575

LICENSE 11137A

THIS IS TO CERTIFY, That

Prinn Family Trust Vineyard
c/o Drew Aspegren
Napa Valley Vineyard Engineering
176 Main Street, Suite B
St. Helena, CA 94574

has made proof as of **July 22, 1980** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
Napa River in Napa County

tributary to **San Pablo Bay**

for the purpose of **Irrigation, Frost Protection, Heat Control, and Recreation uses**

under Permit 16575 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from **February 25, 1972** and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **nine and five tenths (9.5) acre-feet per annum by storage to be collected from November 1 of each year to March 1 of the succeeding year. The maximum withdrawal in any one year shall not exceed 9.5 acre-feet.**

The maximum rate of diversion to offstream storage shall not exceed 0.21 cubic feet per second or shall not exceed 0.56 cfs in combination with license Application 23986B.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

THE POINT OF DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

North 4,700 feet and West 300 feet from SE corner of projected Section 8, T8N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 8.

THE POINT OF DIVERSION AND REDIVERSION OF SUCH WATER IS LOCATED:

North 1,100 feet and West 450 feet from SE corner of projected Section 5, T8N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5.

THE PLACE OF STORAGE OF SUCH WATER IS LOCATED:

Offstream reservoir within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreational use at the reservoir within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M, and irrigation, frost protection, and heat control as follows:

- 8 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M;
- 12 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M; and
- 5 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M.

25 acres total, as shown on map on file with State Water Resources Control Board.

For the protection of fish and wildlife, licensee shall during the period: (a) from November 1 to November 14 bypass a minimum of 1.0 cubic foot per second, (b) from November 15 to March 1 bypass a minimum of 15.0 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount for that period. Streamflows shall be measured at the nearest U.S.G.S. gaging station on the Napa River.

(0140061)

This license is conditioned upon full compliance with Sections 1601, 1603 and/or Section 6100 of the fish and game code.

(0000063)

This license is subject to the continuing authority of the State Water Resources Control Board to issue any appropriate order to insure that the appropriation of water for frost protection under the license does not result in waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

(0000020)

Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MARCH 6 1995

STATE WATER RESOURCES CONTROL BOARD

David L. Bringer
for Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 23986A Permit 16575 License 11137A

**ORDER DELETING POINT OF DIVERSION AND
POINT OF REDIVERSION AT RESERVOIR**

WHEREAS:

1. License 11137A (Application 23986A) was issued to Prinn Family Trust Vineyard and was recorded with the County Recorder of Napa County in Document 005426, Page 5, on March 13, 1995.
2. The point of diversion and rediversion at the offstream reservoir should be deleted from this license to reflect actual field conditions.

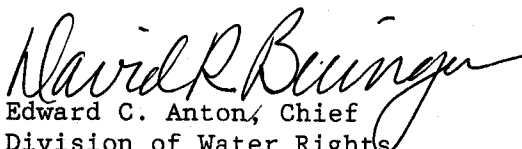
NOW, THEREFORE, IT IS ORDERED THAT:

The license term describing the point of diversion is amended as follows:

The point of diversion to offstream storage is located North 4,700 feet and West 300 feet from SE corner of projected Section 8, T8N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 8.

The offstream storage reservoir is located within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M.

Dated: **JULY 11 1995**

for 
Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

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APPLICATION 23986B

PERMIT 16575

LICENSE 11137B

THIS IS TO CERTIFY, That

Sunshine Investors
A California Partnership
c/o Warren Smith
4415 Silverado Trail
Calistoga, CA 94515

has made proof as of **July 22, 1980** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
Napa River in Napa County

tributary to **San Pablo Bay**

for the purpose of **Irrigation, Frost Protection, Heat Control, and Recreation uses**

under Permit **16575** of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from **February 25, 1972** and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **fifteen (15.0) acre-feet per annum by storage to be collected from November 1 of each year to March 1 of the succeeding year. The maximum withdrawal in any one year shall not exceed 15.0 acre-feet.**

The maximum rate of diversion to offstream storage shall not exceed 0.35 cubic feet per second or shall not exceed 0.56 cfs in combination with license Application 23986A.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

THE POINT OF DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

North 4,700 feet and West 300 feet from SE corner of projected Section 8, T8N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 8.

THE POINT OF DIVERSION AND REDIVERSION OF SUCH WATER IS LOCATED:

North 1,100 feet and West 450 feet from SE corner of projected Section 5, T8N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 5.

THE PLACE OF STORAGE OF SUCH WATER IS LOCATED:

Offstream reservoir being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreational use of reservoir within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M, and irrigation, frost protection, and heat control as follows:

27 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M;
5 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M; and
10 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 4, T8N, R6W, MDB&M.

42 acres total, as shown on map on file with State Water Resources Control Board.

For the protection of fish and wildlife, licensee shall during the period: (a) from November 1 to November 14 bypass a minimum of 1.0 cubic foot per second, (b) from November 15 to March 1 bypass a minimum of 15.0 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount for that period. Streamflows shall be measured at the nearest U.S.G.S. gaging station on the Napa River.

(0140061)

This license is conditioned upon full compliance with Sections 1601, 1603 and/or Section 6100 of the fish and game code.

(0000063)

This license is subject to the continuing authority of the State Water Resources Control Board to issue any appropriate order to insure that the appropriation of water for frost protection under the license does not result in waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

(0000020)

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Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MARCH 6 1995

STATE WATER RESOURCES CONTROL BOARD

David R. Beniger
for Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 23986B Permit 16575 License 11137B

**ORDER DELETING POINT OF DIVERSION AND
POINT OF REDIVERSION AT RESERVOIR**

WHEREAS:

1. License 11137B (Application 23986B) was issued to Sunshine Investors and was recorded with the County Recorder of Napa County in Document 005424, Page 5, on March 13, 1995.
2. The point of diversion and rediversion at the offstream reservoir should be deleted from this license to reflect actual field conditions.

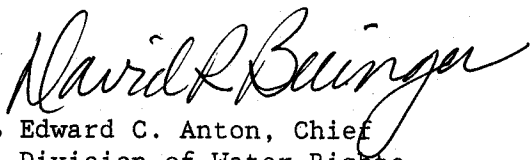
NOW, THEREFORE, IT IS ORDERED THAT:

The license term describing the point of diversion is amended as follows:

The point of diversion to offstream storage is located North 4,700 feet and West 300 feet from SE corner of projected Section 8, T8N, R6W, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 8.

The offstream storage reservoir is located within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 5, T8N, R6W, MDB&M.

Dated: **JULY 11 1995**

for 
Edward C. Anton, Chief
Division of Water Rights